

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DOYLE OLLIS, JR.,**

**Plaintiff,**

**VS.**

**HEARTHSTONE HOMES, INC.,**  
a Nebraska corporation,

**Defendant.**

**CASE NO. 8:05CV119**

# MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Supplemental Motion for Award of Attorney's Fees and Costs. (Filing No. 101). Plaintiff Doyle Ollis asks the Court to award him attorney's fees and costs in the total amount of \$1,704.61, incurred in his opposition to Defendant HearthStone Homes, Inc.'s' renewal of its Motion for Judgment as a Matter of Law after Trial (Filing No. 82). The parties have submitted briefs, and I have considered the evidence presented.

In my Order dated June 12, 2006, I awarded Ollis 75% of the attorney's fees and costs he requested, which amounted to \$19,128.00. (Filing No. 100 at 13-14). I reduced the original request for attorney's fees and costs by 25% because, although the jury found in favor of Ollis on both his claim of discriminatory discharge based on religion and his claim of retaliation, the jury awarded Ollis only nominal damages. (*Id.* at 13). In order to defend that verdict, Ollis incurred further attorney's fees and costs in response to HearthStone's post-trial motion. While Ollis's limited success in the trial of this action warranted a limited award of the attorney's fees he incurred in the pre-trial and trial phases of this litigation, Ollis's defense of the renewed Motion for Judgment as a Matter of Law after Trial was entirely successful. Accordingly, I find that Ollis is entitled to a supplemental award of attorney's fees and costs in the full amount of \$1,704.61. I incorporate herein by

reference the analysis in my Order of June 12, 2006, in which I determined the reasonableness of the hourly rate charged by Plaintiff's counsel. Hearthstone does not allege that the hours claimed by Plaintiff's counsel in resistance to the Motion for Judgment as a Matter of Law After Trial were unnecessary or excessive.

IT IS ORDERED:

Plaintiff's Supplemental Motion for Award of Attorney's Fees and Costs (Filing No. 101) is granted in the amount of \$1,704.61. HearthStone will pay Ollis his attorney's fees and taxable costs as ordered by sending payment to his counsel, D.C. Bradford.

DATED this 7<sup>th</sup> day of July, 2006.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge